

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

&

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

MONDAY, THE 24TH SEPTEMBER 2007 / 2ND ASWINA 1929

WP(C).No. 25755 of 2007(N)

PETITIONER:

T.K.REGHUMATHULLA @ KAKKU,
S/O. T.K.ABOOBACKER, THOPPINIKADAN HOUSE,
NILAMBUR P.O., MALAPPURAM DISTRICT.

BY ADV. SRI.S.KRISHNAMOORTHY.

RESPONDENTS:

1. D.I.G.,
NORTHERN REGION, O/O. D.I.G., KOZHIKODE.
2. SUPERINTENDENT OF POLICE,
MALAPPURAM.
3. CIRCLE INSPECTOR OF POLICE,
NILAMBUR POLICE STATION, NILAMBUR.
4. SUB INSPECTOR OF POLICE,
NILAMBUR POLICE STATION, NILAMBUR.
5. MOHANDAS,
RETIRED HEAD ACCOUNTANT (FOREST DEPARTMENT),
VASUDA, L.I.C.ROAD, NILAMBUR P.O.

BY GOVT. PLEADER SRI. SALIM.P.A.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 24/09/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

prv.

W.P.(C). NO.25755/2007:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE WOUND CERTIFICATE DTD. 05/08/2007 ISSUED BY THE PRASANTHI HI-TECH HOSPITAL.

EXT.P.2: COPY OF THE COMPLAINT DTD. 09/08/2007 OF THE PETITIONER.

EXT.P.3: COPY OF THE REPRESENTATION DTD. 24/08/2007 OF THE PETITIONER SUBMITTED BEFORE D.I.G OF POLICE, KOZHIKODE.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

K.BALAKRISHNAN NAIR & T.R.RAMACHANDRAN NAIR, JJ.

Writ Petition (C) No.25755 of 2007-N

Judgment

Balakrishnan Nair, J.

The petitioner submits, he is a timber merchant and also the General Secretary of Malabar Timber Merchants Association. He was regularly participating in the auction of teakwood in Aruvakode Forest Depot at Nilambur. The 5th respondent was an employee of the Forest Department. After his retirement from service, the said respondent has also started participating in the timber auction. According to the petitioner, the said respondent, in collusion with the Officers of the Forest Department, was committing irregularities in the auction. Since the petitioner raised objection against the same, he was brutally manhandled at 7.45 pm on 04.08.2007. Though he was admitted in the hospital immediately, his statement was recorded and a crime was registered only on 07.08.2007. According to him, the 4th respondent SI of Police is hand in glove with the 5th respondent. In fact, the 4th respondent is harassing him, it is submitted. In the above factual background, the petitioner filed Ext.P3 representation before the SI of Police, claiming police protection

and also Ext.P3 representation before the DIG of Police as well as the Deputy Superintendent of Police against the harassment from the part of the 4th respondent. In the Writ Petition, he prays for the following reliefs :

“i) issue a writ of mandamus or other appropriate writ, order or direction, directing the 1st respondent to conduct an enquiry and investigation upon the complaint made by the petitioner, registered as Crime No.403/07 of Nilambur Police Station, basing on the statement given by the petitioner on 7.8.07.

ii) issue a writ of mandamus or other appropriate writ, order or direction, directing the respondents 1 to 3 to afford adequate and effective police protection to the petitioner, his family members and the property of the petitioner”.

The learned counsel for the petitioner submits that now he cannot participate in the auction. He will be manhandled, if he goes for the auction. He prays, the Deputy Superintendent may be directed to investigate the Crime No.403/07 of Nilambur Police Station, which was registered on the basis of his statement. The learned Government Pleader upon instruction submitted that the 5th respondent is also a timber merchant. A crime has been registered against the petitioner and others on the ground that they attacked the 5th respondent

(Crime No.397/07). Crime No.403/07 is registered as counter case. According to the Police, there is no threat to the life of the petitioner and he can freely participate in the timber auction. Whenever there is auction, there will be the presence of Police. So, the apprehension of the petitioner is unfounded, it is submitted. In this jurisdiction, we are concerned, only with the claim for police protection and also the allegations of police harassment. If a crime registered is not properly investigated, the petitioner has to seek reliefs in other jurisdiction. The right of the petitioner for the same is kept open. If the petitioner apprehends threat to his life, whether while participating in the auction or otherwise, he shall inform the same to the CI of Police, the third respondent herein. In that event, the said respondent will look into the complaint and if the apprehension of the petitioner is found genuine, afford adequate protection to him.

The Writ Petition is disposed of as above.

K.BALAKRISHNAN NAIR,JUDGE

24.09.2007

T.R.RAMACHANDRAN NAIR, JUDGE

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